

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

L.P.A.No. 171 of 2007 (O.&M.)
Date of Decision: 24.8.2007

Dr.Ashok Kumar Jindal.

..... Appellant through
Shri D.S.Patwalia,
Advocate.

Versus

State of Punjab and another.

..... None for Respondents.

CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN,
CHIEF JUSTICE
HON'BLE MR.JUSTICE MAHESH GROVER

....

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

....

VIJENDER JAIN, CHIEF JUSTICE

This is an appeal under Clause X of the Letters Patent against judgment dated 22.9.2004 of the learned Single Judge vide which C.W.P.No.2919 of 1988 filed by the appellant was dismissed. It is accompanied by an application under Section 5 of the Limitation Act (being C.M.No.713 of 2007) with a prayer for condonation of delay of 1032 days in its filing.

The grievance of the appellant is that in the year 1987 when he was working as Medical Officer on ad hoc basis, his service was terminated despite the fact that he had completed the requisite period of service to be

considered for regularisation and his name even appeared in the list of regular candidates.

In response to the notice of the said writ petition, the respondents had pleaded that the service of the appellant had been terminated in accordance with the terms of the appointment letter and that his annual confidential reports for the years 1983-84 and 1986-87 were adverse. It was also averred that the service of the appellant had never been regularised and his name had erroneously been shown in the list of regular candidates.

Learned counsel for the appellant contended that the cumulative effect of the pleadings shows that the appellant's service was terminated on account of adverse entries in his annual confidential reports and since no opportunity of hearing was granted to him before passing the order of termination, the action of the respondents was violative of the principles of natural justice. In support of his contention, he relied upon a judgment of the Supreme Court in Jarnail Singh and others Versus State of Punjab and others, (1986) 3 S.C.C. 277.

We have considered the contention of the learned counsel for the appellant and have perused the record including the impugned judgment.

Concededly, the appellant was never regularised in service and was an ad hoc Medical Officer. His name had inadvertently been shown in the list of the regular employees and the respondents have specifically pleaded that the termination of his service was purely in accordance with the terms of appointment. A perusal of the writ petition shows that the

appellant had never made a grouse of his not having been regularised in service, but had proceeded to challenge the order of termination on the premise that his service had been regularised and that the termination was bad as no opportunity of hearing had been given to him. But, his service having been terminated in accordance with the terms of appointment, cannot give rise to any grievance to the appellant because being an ad hoc employee, his rights were purely governed by the appointment letter. The factum of the annual confidential reports being adverse to him was merely a fact which was brought on record by the respondents.

Hence, there is no merit in the contention of the learned counsel for the appellant.

That apart, the appeal is hopelessly time barred and no sufficient cause has been shown to condone 1032 days' delay in its filing.

In the result, the appeal is dismissed on merits, as also being barred by time.

(Vijender Jain)
Chief Justice

August 24,2007
“SCM”

(Mahesh Grover)
Judge